

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM HARRIS
2775 W. Agate Ave., Unit 227
Las Vegas, Nevada 89123

Plaintiff

v.

CAMPBELL COURT, L.P.
c/o KMK Service Corp., Statutory Agent
One E. 4th Street, Suite 1400
Cincinnati, Ohio 45202

and

SILVER TREE RESIDENTIAL, LLC
c/o Corporation Service Company, Stat. Agent
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

HOUSING PRESERVATION, INC.
c/o Corporation Service Company, Stat. Agent
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

Defendants

CASE NO.

JUDGE:

COMPLAINT

**JURY DEMAND ENDORSED
HEREIN**

PARTIES

1. Plaintiff William Harris is a resident of Nevada who applied for and was denied housing at Campbell Court Apartments, a HUD assisted apartment complex in Shaker Heights, Ohio.

2. Defendant Campbell Court, L.P. is a domestic limited partnership headquartered in Memphis, Tennessee and the owner of Campbell Court located in Shaker Heights, Ohio.

3. Defendant Silver Tree Residential, LLC (“Silver Tree”) is a foreign limited liability company with a principal place of business in Memphis, Tennessee, and does business in the Northern District of Ohio as the manager and/or leasing agent for Defendant Campbell Court, L.P at Campbell Court Apartments.

4. Defendant Housing Preservation, Inc. is a foreign non-profit corporation formed in Texas with a principal Ohio office in Cleveland, Ohio, and at all times relevant was the general partner of Defendant Campbell Court, L.P.

JURISDICTION AND VENUE

5. This is a fair housing action arising under the Fair Housing Act of 1988, 42 U.S.C. §3601, *et seq.* Jurisdiction is conferred by 42 U.S.C. §3601 and 28 U.S.C. §1331. Additionally, Plaintiff raises supplemental state law claims under Ohio Revised Code section 4112.02(H), jurisdiction over which is conferred by 28 U.S.C. §1367.

6. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) as the unlawful discriminatory conduct was committed in this District, and Defendants regularly conduct business in this District.

FACTUAL ALLEGATIONS

7. Plaintiff, an African-American, applied for an apartment at Campbell Court Apartments on or about September 2, 2018.

8. Plaintiff wanted to relocate to Cleveland from Nevada in order to be close to a severely ill relative.

9. Campbell Court Apartments is a HUD assisted apartment complex.

10. The rental application used by Defendants for Campbell Court Apartments requests information about an applicant’s race and ethnicity.

11. Plaintiff identified himself as “Black or African American” on his rental application.

12. When considering his application Defendants knew that Plaintiff is African-American.

13. Question 3 on the application advised that:

This apartment community’s Tenant Selection Plan excludes housing to individuals and households with specific types of criminal activity in their history. You must answer the following questions completely and truthfully. If any of the answers are false, misleading or incomplete, your application may be rejected.

14. A series of seven questions followed relating to sex offender registration, parole, drug related criminal activity, eviction from assisted housing for drug or violence related criminal activity, and existence of a pattern of illegal use of drugs or abusing alcohol in a way that might interfere with other residents or staff, and then asked whether Plaintiff or any member of his household had ever been convicted of a felony, misdemeanor or other violent crime.

15. In response to that question Plaintiff checked the appropriate box “No.”

16. On or about December 22, 2018 Plaintiff received notice from Defendant Silver Tree that his rental application for housing at Campbell Court Apartments had been denied.

17. The only reason given by Defendant Silver Tree was that he had a “criminal history.”

18. The background records relied upon by Defendant Silver Tree disclosed no felony convictions or arrests of Plaintiff. The only criminal cases disclosed by the background check were a guilty plea to a minor misdemeanor charge of speeding dated March 30, 1996 in the Bedford Municipal Court with a \$30 fine; and a twenty (20) year old misdemeanor conviction for driving while under the influence.

19. Plaintiff appealed the denial of housing but Defendant Silver Tree denied his appeal.

FIRST CLAIM FOR RELIEF

Violation of the Fair Housing Act – 42 U.S.C. §3601, *et seq.* – Disparate Treatment

20. Plaintiff incorporates by reference herein the foregoing allegations of this Complaint.

21. Plaintiff is a member of a class protected under the Fair Housing Act.

22. Plaintiff applied to and was qualified to rent housing at Campbell Court Apartments.

23. Defendant Silver Lake rejected Plaintiff's application, and housing at Campbell Court Apartments thereafter continued to be advertised and available for rent.

24. Defendant Silver Lake rejected Plaintiff's application because of his race.

25. Defendant Silver Lake did not have a legitimate non-discriminatory basis for its decision.

26. Defendant Silver Lake discriminated against Plaintiff in violation of 42 U.S.C. §3604(b), which bars discrimination "against any person in the terms, conditions, or privileges of sale or rental of a dwelling ... because of race...."

27. Defendants Campbell Court, L.P. and Housing Preservation, Inc. are jointly and severally liable with Defendant Silver Lake by virtue of the doctrine of *respondeat superior* and/or the partnership laws of Ohio.

SECOND CLAIM FOR RELIEF

Violation of the Fair Housing Act – 42 U.S.C. §3601, et seq. – Disparate Impact

28. Plaintiff incorporates by reference herein the foregoing allegations of this Complaint.

29. At all times relevant Defendants maintained a policy and/or practice of refusing to rent to persons with a criminal record, regardless of the nature of a criminal offense or when it occurred.

30. Defendants' policy and/or practice is arbitrary, artificial, and unnecessary to achieve a valid interest or legitimate objective.

31. Defendants' policy and/or practice has a disproportionately adverse effect on members of a protected class of which Plaintiff is a member.

32. Defendants' policy and/or practice is the direct cause of the discriminatory effect.

33. The disparate impact caused by Defendants' policy and/or practice is significant.

34. The damages and injury to Plaintiff are directly related to Defendants' unlawful conduct.

THIRD CLAIM FOR RELIEF

Violation of Ohio Revised Code §4112.02(H)

35. Plaintiff incorporates by reference herein the foregoing allegations of this Complaint.

36. The conduct complained of herein violates Ohio Revised Code §4112.02(H), which makes it unlawful to refuse to rent or lease housing accommodations or otherwise deny or make unavailable housing accommodations because of race.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- A. Order Defendants to revise their policy regarding the use of criminal convictions in determining qualification to rent housing accommodations;
- B. Declare that the acts of Defendants complained of herein violated 42 U.S.C. 3604 and Ohio Revised Code 4112.02(H);
- C. Award Plaintiff compensatory and punitive damages in excess of \$25,000 together with costs and attorneys' fees pursuant to 42 U.S.C. 3613(c);
- D. Mandate that Defendants and all of their agents and employees receive training in fair housing;
- E. Grant such additional legal and equitable relief to which Plaintiff might be entitled.

Respectfully submitted,

/s/ David W. Neel

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Attorneys for Plaintiff William Harris

JURY DEMAND

Plaintiff demands a trial by jury on all claims asserted in this Complaint.

/s/ David W. Neel

David W. Neel (0033611)